

**S.— No. 20. Revision. State of New Jersey. An act for the maintenance of bastard children. [1846?].**

S.—No. 20.

REVISION.

STATE OF NEW JERSEY.

AN ACT for the maintenance of bastard children.

1. Be it enacted *by the Senate and General Assembly of the state of New Jersey*, That any two justices of the peace of the county, within which any bastard shall be born, upon examination of the cause and circumstance, shall and may, at their discretion, take order for the better relief of every township in which such bastard shall be born, in part or in all; and also, shall and may, at like discretion, take order for the keeping of every such bastard child, by charging the mother or reputed father with the payment of money weekly, or other sustenance for the relief of such child, as they shall think meet and convenient; and if, after the same order, by them subscribed under their hands, the mother or reputed father upon notice thereof, shall not, for his or her part, observe and perform the said order, that then every such party, so making default in not performing the said order, shall be committed to the house of correction, or for want thereof, to the common gaol of such county, there to remain without bail or mainprise, except he or she shall put in sufficient surety to perform the said order, or else personally to appear at the next court of Quarter Sessions, to be holden in and for the county where such order shall be taken, and also to abide such order as the court shall take in that behalf, if they then and there shall take any; and if at the said sessions, the said court shall take no other order, then to abide and perform the order before made as aforesaid.

2. *And be it enacted*, That if any woman shall be delivered of a bastard child, which shall be chargeable or likely to become chargeable to any township, or shall declare herself to be with child, and that such child is likely to be born a bastard, and to be chargeable to any township, and shall, in either of such cases, in an examination to be taken in writing, upon oath, before any one or more justice or justices of the peace of any county wherein such township shall lie, charge any person with having gotten her with child, it shall and may be lawful to and for such justice or justices, upon application made to him or them, by the overseers of the poor of such township, or persons acting as such, or by any one of them, to issue his or their warrant or warrants for the immediate apprehension of such person so charged as aforesaid, and for bringing him before such justice or justices, or before any other of the justices of the peace of such county; and the justice or justices, before whom such person shall be brought, is and are hereby authorized and required to commit

the person so charged as aforesaid, to the house of correction or common gaol of such county, unless he shall give security to indemnify such township, or shall enter into recognizance, with sufficient surety, with condition to appear at the next court of Quarter Sessions to be holden for such county, and abide and perform such order or orders as shall be made in pursuance of this act.

3. *Provided, nevertheless, and be it enacted*, That if the woman so charging any person as aforesaid, shall happen to die or be married before she shall be delivered, or if she shall miscarry 2 of such child, or shall appear not to have been with child at the time of her examination, then, and in any of the above cases, such person shall at the next court of Quarter Sessions, to be holden for such county, be discharged from his recognizance, or immediately released out of custody, by warrant, under the hand and seal, or hands and seals, of any one or more justice or justices of the peace of such county.

4. *Provided also, and be it enacted*, That upon application made by any person who shall be committed to any gaol or house of correction by virtue of this act, or by any person in his behalf, to any one or more justice or justices of such county, such justice or justices is and are hereby authorized and required to summon the overseer or overseers of the poor of the township to appear before him or them, at a time and place to be mentioned in such summons, to shew cause why such person should not be discharged, and if no order shall appear to have been made in pursuance of this act, within six weeks after such woman shall have been delivered, such justice or justices shall and may discharge him from his imprisonment in such gaol or house of correction to which he shall have been committed.

5. *And whereas*, the putative father and lewd mother of bastard children often run out of the township and sometimes out of the county, and leave the said bastard children a charge upon the township where they are born or legally settled, although such putative father or mother have estate sufficient to support such children, and discharge the township; *be it therefore enacted*, that it shall and may be lawful for the overseers of the poor of such township, where any bastard child shall be born or settled, to apply to any two justices of the peace of the county, where the estate real or personal or any part thereof, of such putative father or lewd mother may be, and, by warrant or warrants, under the hands and seals of the said two justices, who are hereby authorized and required to issue the same, to seize and take the goods and chattels, and to let out and receive the annual rents and profits of the lands and tenements of such putative father or lewd mother, so absconding as aforesaid, for and towards the sustenance, bringing up and education of such bastard child so left as aforesaid; and as soon as the said seizure shall be allowed of and confirmed by the court of Quarter Sessions, it shall and may be lawful for the overseers of the poor of such township, from time to time, and as often as the case may require, to sell and dispose of so much

of the said goods and chattels at public vendue, to the highest bidder, and to receive the said rents and profits, or so much thereof as shall be ordered by the said sessions, and to apply the money arising therefrom towards the sustenance, bringing up and education of such bastard child so left as aforesaid; *and further*, that the said overseers of the poor shall be accountable to the court of Quarter Sessions for all such sum or sums of money as shall or may arise by every such sale or sales, or be by them received for the rents and profits of such lands or tenements.

6. *And be it enacted*, That if any person or persons shall be sued for any matter or thing which he or they shall do in execution of this act, he or they may plead the general issue, and give the special matter in evidence; and if a verdict shall pass for the defendant or defendants, or if the plaintiff shall be nonsuited, or discontinue his suit, the defendant or defendants shall recover treble costs, and shall have the like remedy for the same as any defendant hath in other cases by law.

7. *And be it enacted*, That if any person against whom a warrant has been or shall be issued by any justice or justices of the peace of any county in this state, under and by virtue of the second section of this act, shall escape, go into, reside, or be in any other county out of the jurisdiction of the justice or justices granting such warrant, it shall and may be lawful for and is hereby declared to be the duty of any justice of the peace of the county into which 3 such person shall escape or go, or where he shall reside or be, upon proof being made, on oath or affirmation, of the hand-writing of the justice or justices granting such warrant, to endorse his name thereon, which shall be a sufficient authority for the person or persons bringing such warrant, and to all other persons to whom the same was originally directed, to execute such warrant in such other county, and to apprehend and carry the person therein named, before the justice or justices who issued the same, or some other justice or justices of the county in which the same was issued.

8. *And be it enacted*, That the term "township" made use of in this act, shall be construed to comprehend city, town corporate, borough, precinct and ward, respectively.